

# Understanding the New Jersey Smoke-Free Air Act

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Smoke-Free Indoor Workplaces



Jon S. Corzine  
Governor



Fred M. Jacobs, M.D., J.D.  
Commissioner

# What is the Smoke-Free Air Act?

- Protects employees and the public from *secondhand smoke*.
- The new Smoke-Free Air Act (P.L. 2005, c.383) prohibits smoking in indoor public places and workplaces.
- With some exceptions, patrons and employees are free to smoke outdoors.
- The Smoke-Free Air Act goes into effect Saturday, April 15, 2006.



# What is Secondhand Smoke – Why Should People be Protected?

- Secondhand smoke, also known as Environmental Tobacco Smoke (ETS), is the combination of smoke exhaled by a smoker and the smoke from a burning cigarette, pipe or cigar.
- This combination is dangerous for both the smoker and the nonsmoker.





# Why is it Dangerous?



- Nonsmokers who breathe the smoke from other people's cigarettes can suffer serious illnesses as a result of their exposure.
- Secondhand smoke contains over 4,000 chemicals; including 200 poisons, and 69 known and probable cancer-causing substances. Secondhand smoke has been classified by the U.S. Environmental Protection Agency (EPA) as a known cause of cancer in humans (Group A carcinogen), putting it in the same category as asbestos, benzene and radon.
- The U.S. EPA estimates that secondhand smoke causes up to 62,000 deaths each year among nonsmokers in the United States, including 3,000 from lung cancer and 37,000 from heart disease. This includes between 1,000 and 1,800 New Jersey residents.

# What are some of the Health Effects of Secondhand Smoke?

- Increases risk of lung cancer and heart disease;
- Triggers asthma attacks;
- Increases the risk of lower respiratory tract infections, such as bronchitis and pneumonia;
- Increases risk of ear infections.

*(Children are particularly susceptible to asthma, respiratory effects and ear infections.)*

# Why is Secondhand Smoke Hazardous to Restaurant and Bar Workers?

- ❑ Studies have found that waitresses have higher rates of lung and heart disease than any other traditionally female occupational group.
- ❑ One shift in a smoky bar is equivalent to smoking 16 cigarettes a day.





## How will the Smoke-Free Air Act Affect Business and Tourism?

- Studies of cities and states with smoke-free workplace laws that include bars and restaurants provide strong evidence that the law will have a neutral or even positive impact on business.
- The CA Smoke-Free Workplace Act has been in effect since 1995 and included bars in 1998. Taxable annual sales for bars and restaurants show a steady increase. In 1998 – sales up more than 5%: In 1999 – sales up more than 8%: In 2000 - sales up more than 9%

## How will the Smoke-Free Air Act Affect Business and Tourism? (cont.)

- One year after the NYC smoke-free workplace law went into effect in 2003, business receipts for bars and restaurants had increased, virtually all establishments were complying with the law, employment rose, the number of new liquor licenses issued had increased; and tax receipts had increased 8.7% in the first 10 months over the same period the year before the law was implemented.



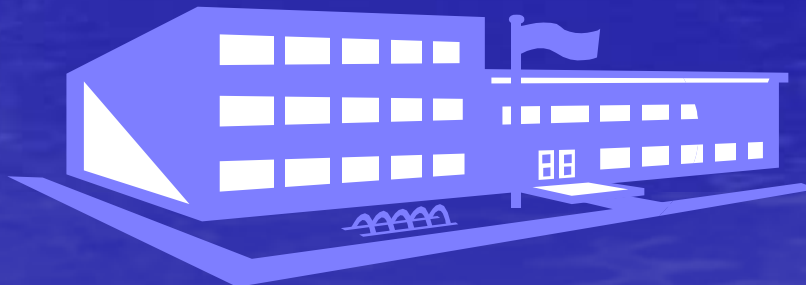
# What Workplaces are Covered by the Smoke-Free Air Act?

- Any enclosed location at which a person performs any service or labor;
- Bars and restaurants;
- Public transportation including all ticketing, boarding platforms and waiting areas; trains, buses, vans, taxicabs and limousines;
- All public and nonpublic elementary and secondary school buildings, and all school grounds.



# What Workplaces are Covered by the Smoke-Free Air Act? (cont.)

- Child care centers
- Health care facilities, patient waiting rooms and nursing homes;
- Sports facilities, including race tracks and bowling alleys;
- Theaters, clubs, concert halls, public libraries, museums and art galleries;
- Shopping malls and retail stores;
- Parking facilities, lobbies, elevators, and lodging establishments, including hotels and motels; and
- Bingo facilities.



# What if My Business is Not on this List?

- The Act (P.L. 2005, c.383) states that smoking shall not be permitted in an indoor public place or workplace except as otherwise provided.
- Indoor public places and workplaces that must prohibit smoking include any enclosed location at which a person performs any service or labor.



# What Places are Not Covered?

- Private homes, private residences and private automobiles;
- Hotel, motels or other lodging establishments may permit smoking in up to 20% of guest rooms;
- Areas within the perimeters of casino gaming areas, and casino simulcasting facilities;



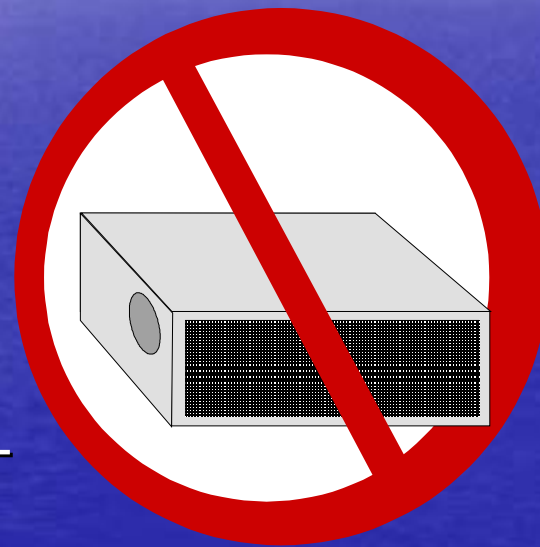
# What Places are Not Covered? (cont.)

- Cigar bars or lounges that in calendar year ending December 31, 2004, generated 15% or more of total annual gross income from the sale of tobacco products;
- Tobacco retail establishments whose primary activity (51%) is the retail sale of tobacco products and accessories and the sale of other products is incidental.



# What About Ventilation Options?

- No ventilation system adequately removes secondhand smoke from the air.
- Ventilation systems are not a legal alternative.
- Ventilation systems have NOT been shown to effectively protect workers or patrons from the health effects of secondhand smoke.





# What Signage is Required?

- A “No Smoking” sign must be prominently posted at every public entrance and properly maintained where smoking is prohibited.
- Signs must state that violators may be fined.
- Signs must also be posted in areas where smoking is permitted.

# What are the Penalties?

A person who smokes in violation of the Act  
OR

A person in charge of an indoor public place  
or workplace who refuses or fails to comply  
with the Act are subject to the following:

- A fine of not less than \$250 for the first offense
- \$500 for the second offense, and
- \$1,000 for each subsequent offense.



# How will the Act be Enforced?

- Compliance is the responsibility of the person having control of an indoor public place or workplace under this Act.
- Enforcement of the act will be achieved by a complaint system. Employees and the public may report violations of the Act to their local health department.



# How Can I Help People Who Want to Quit Smoking?

- New Jersey provides free and low-cost services to help smokers succeed in quitting:

## FREE

- \* NJ Quitline @ 1-866-NJ-STOPS (1-866-657-8677)

- \* NJ QuitNet @ [www.nj.quitnet.com](http://www.nj.quitnet.com)

## LOW-COST

- \* NJ Quitcenters – for location information visit [www.nj.quitnet.com](http://www.nj.quitnet.com)

All services provide personal, professional counseling and support.

- To create a “Quit Smoking Program” at work or in meeting places visit [www.njquit2win.com](http://www.njquit2win.com) for resources and tools.

# How Can I Find More Information About the Smoke-Free Air Act?

- Visit: [www.smokefree.nj.gov](http://www.smokefree.nj.gov)